

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.302 OF 2023

Mrs.Punam Swapnil Naik
alias Punam Ashok Gunjal

....Applicant

V/s.

Mr.Swapnil Babaji Naik

....Respondent

NILAM
SANTOSH
KAMBLE

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by NILAM
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Date: 2024.05.04
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Mr.Yuwraj D. Patil a/w Mr.Pratik Sabrad, Mr.Amey Sawant, for
the Applicant.

Mr.Virendra V. Pethe, for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 3rd MAY 2024

P.C:-

. Leave to amend forthwith.

2. By this Application, the Applicant is seeking transfer
of Divorce Petition pending before the Family Court, Belapur to
Family Court, Nashik.

3. It is contention of the learned counsel for the
Applicant that, the Applicant stays at Nashik with her parents.
Distance between Belapur to Nashik is more than 150 k.m. The
Applicant has filed proceeding under the Domestic Violence Act

and under Section of the Hindu Marriage Act against the Respondent, which are pending at Nashik. The Applicant is finding difficult to attend the Court dates at Belapur. Hence, requested to allow the Application.

4. It is contention of the learned counsel for Respondent that, the Respondent has tried to settle the matter with the Applicant, but she is not ready. The Respondent suffers from back pain, doctor has advised to him not to travel. The Applicant is avid bike rider she is B.Tech Engineer and she visits various sides at Mumbai. Hence, requested to reject the Application.

5. I have heard both learned counsel.

6. The Applicant stays with her parents at Nashik. The distance between Belapur to Nashik is 150 k.m. The Applicant has filed Petition for Divorce against the Respondent, which is pending at Family Court, Nashik. Considering the reasons mentioned in the Application as well as it is settled principle of law convenience of the wife has to be considered while transferring the Petition over the husband.

7. In view of above, I pass following order.

ORDER

(i) The Marriage Petition No.A-70 of 2023 pending before Family Court, Belapur be transferred to Family Court, Nashik.

(ii) The Respondent can file Application before the concerned Court for appearance through Video Conference. The concerned Court shall decide the said Application on its own merits.

(iii) The Application is allowed and disposed of.

(SHIVKUMAR DIGE, J.)